

REMARKS

As an initial matter, a summary of the decision by Board of Patent Appeals and Interferences are as follows:

- Reversed the rejections claims 3 and 4 under § 112, second paragraph;
- Affirmed the rejection of claims 1-4 and 6-12 under § 102(b) in view of Diehl
- Affirmed the rejection of claims 1, 2 and 6-9 under § 103(a) in view of Lechat; and
- Reversed the rejections of claims 1-4 and 6-9 under § 103(a) in view of Kueppers.

Applicants request the Examiner to recognize the reversed decisions set forth above and to consider and/or reconsider the affirmed rejections in light of the following amendments and remarks.

Claim 1 has been amended to recite the limitations of claims 2 and 3. Accordingly, claims 2 and 3 are canceled. Claim 1 has been further amended to recite that the linear triblock copolymer is present in amounts up to about 6 wt %. Support for the foregoing amendment is found in Table 1 on page 13 and page 12, lines 1-3.

Claim 4 has been amended to depend from claim 1.

Claim 10 has been amended to depend from claim 1. Support for the foregoing amendment is replete throughout the Specification, and may be found on page 10, lines 26-28.

Claim 7 has been amended for clarification purpose.

The foregoing amendment adds no new matter to the disclosure. Entry is requested. Accordingly, upon entry hereof, claims 1, 4 and 6-12 will be under consideration or reconsideration.

Rejection under 35 U.S.C. § 102 (b)

Claims 1 and 6-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 5,292,819 issued to Diehl et al. (hereinafter "Diehl").

As amended, claim 1 is directed to a hot melt adhesive that is suitable for use as an elastic attachment adhesive. The adhesive comprises (1) a radial block copolymer component comprising $(PS-PI-PB)_nX$ wherein PS is polystyrene, PI is polyisoprene and PB is polybutadiene, X is the residue of a multifunctional coupling agent used in the production of the radial block copolymer, and n is equal to or greater than 3 and represents the number of PS-PI-PB arms appended to X, said radial block copolymer having a styrene content of from 25 wt % to about 50 wt %, (2) a linear triblock copolymer, and (3) a tackifying resin. Based on the weight of the adhesive composition, the radial block copolymer component is present in amounts of from 15 wt % to about 35 wt %, the linear triblock copolymer is present in amounts up to about 6 wt % and the tackifying resin is present in amounts of from about 30 to about 70 wt %. The number average molecular weight of each arm of said radial block copolymer is from about 30,000 to about 95,000, and the radial block copolymer component has a SIB percentage of less than about 25 %, based on the amount of the radial block copolymer component.

In order to show anticipation, the Examiner must show that a single reference discloses, either expressly or inherently, each and every element of the pending claims (see M.P.E.P. §2131). Diehl fails to teach an adhesive with that contains a linear triblock copolymer in an amount up to about 6 wt %. Diehl merely exemplifies that “diblock” building blocks before coupling the chain ends using $SiCl_4$ is present in amounts of 22%, 14%, 13%. Since 13% is significantly different than “about 6 wt%,” Diehl fails to disclose each and every element of claim 1. Claims 4 and 6-12 depend from claim 1 and are thus patentable over the cited references for the same reasons set forth above with respect to claim 1, as well as for the additional limitations they require. Withdrawal of the rejection is requested.

Rejection under 35 U.S.C. § 103 (a)

Claims 1 and 6-9 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Number 2005/0020773 (hereinafter "Lechat").

Claim 1 has been amended to recite the limitations of canceled claims 2 and 3, which were not rejected over Lechat. Amended claim 1 recites that the number average molecular weight of each arm of the radial block copolymer is from about 30,000 to about 95,000 and the radial block copolymer component has a SIB percentage of less than about 25 %, based on the amount of the radial block copolymer component.

As such, Applicants submit that the claimed subject matter is not obvious over Lechat. Claims 6-12 depend from claim 1 and are thus patentable over the cited references for the same reasons set forth above with respect to claim 1, as well as for the additional limitations they require. Withdrawal of the rejection is requested.

Favorable action is solicited.

Respectfully submitted,

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